



## **SOLOGING A PUBLIC HEARING**

**Introduction:** A public citizens hearing around specific issues is similar to a Congressional hearing. The main difference is a public hearing by definition is initiated and planned by people to air their concerns and to educate legislators, the public itself and the media. Although there are different methods for organizing and holding public hearings, there are some hard and fast rules for success. Public hearings should be more critical to our work because they promote active citizen involvement and give people access to the legislative process either directly or indirectly at any governmental level.

**Purpose and Scope:** A public citizens hearing focuses attention on a specific problem or a series of problems or issues by addressing concerns openly. An example of this is the current budget cutting policies of the federal government and many state and local governments. A public hearing is one of the best methods to show the local effect of law or policies.

In many areas whether a legislator is sympathetic or unsympathetic to the harm caused to people through losses or cutbacks in programs or benefits, a public hearing is the best vehicle for action. A public hearing can be initiated by a legislator or requested through a series of calls to a legislators office showing concern and expressing a desire for a hearing to discuss the local impact of proposed laws.

Whether or not the legislator agrees to be present at the hearing should not deter your decision to hold the hearing. Quite often the failure of a legislator to meet with a constituency in the context of a hearing is as demonstrable as the active participation of a legislator, although media efforts can be more successful with participation and support of your legislators.

### **Format and Location of the Hearing**

When possible a public hearing should be coordinated by the public with location and procedures being under the control of the citizens affected by the issues. Your location should be accessible to people and your format of testimony and questions and answers for a legislator should be well planned to gather media coverage. In addition your timing must be well planned in order to highlight your issues - you don't want to compete with other major events nor do you want to lose the immediacy of your issue. Assess the newsworthiness of your hearing. Issue a press statement, explaining the time, date, location and reason for the hearing, as well as who will be participating.

Your location should be chosen carefully - either a state capital, a county seat or municipal facility, the district office of your legislator or a familiar public gathering place such as a church or labor hall.

Your format should include equal spoken and written testimony from citizens. Oral testimony should be scheduled for a specific time frame with room for questions and follow-up. Written testimony can be submitted for the record by those who do not testify in person. In general to guarantee media coverage you should limit the time of the hearing to three hours. If there is further need for discussion a second hearing on the same or similar issues can be held.

Obviously you want to invite your legislator(s) to the hearing or have them sponsor the hearing itself. Tell your legislator(s) through working with their staff or personally what you would like in the way of assistance. They often may wish to assure most of the leadership including press work and follow-up. You have to judge where to draw the line even with the most cooperative legislator, because in the end it is the message of the public that must be conveyed or your hearing will lose its force.

### Organizing and Planning

A constructive public hearing does not spring from the earth - there is a great deal of advance work and planning within a pre-determined time frame. Remember you must line up speakers willing to testify, work as cooperatively as possible with your legislator, publicize your event in order to bring out the general citizenry and the media. There will be numerous other tasks that you will see a need for as you initiate the planning process. A public hearing should be an educational event that serves people and you must consistently honor that commitment.

At the optimum you will need:

- 1) an umbrella committee or coordinating committee; and subcommittees including:
  - a) public relations and media
  - b) outreach
  - c) liaison committee with legislator

"The Coordinating Committee - should be the overall planning committee including a broad base of, citizens and community leaders, church, labor, low income groups, women's groups and any other constituencies. They should frame the groundwork for the public hearing and help initiate and continue work with the legislator(s). Members of the Coordinating Committee should serve on the sub-committees. This committee should also be responsible for the general planning and format including gathering speakers and testimony and initiating all follow-up to the hearing. Speakers at the hearing should be constituents who benefit from programs (i.e. actual citizens) with back-up and assistance from organized advocacy groups, as well as training sessions and run-throughs.

#### " Public Relations & Media Committee

This committee should design press statements surrounding the public hearing, develop educational and factual background material, write and distribute press releases, initiate contact with and follow-up to media outlets to insure complete coverage, gather written testimony for distribution to the media, and generally act as resource people for the media and the community in general. This committee should be looking for the most creative and imaginative ways to package the proceedings to guarantee coverage by the media. (see enclosed piece on Media)

" Outreach Committee - a critical educational element to the public hearing is turning out the general citizenry, not just those who are participating in the hearing. This can be done depending on time by developing a mailing list and a mailing announcing the hearing, flyers and posters, a leafletting campaign, and the use of public service announcements for publicity. The outreach committee may also want to establish ride-pools or methods of transportation for people to attend the hearing.

\* Legislative Committee - Regardless of the posture of a legislator on the issue, the local district office and the staff should be kept aware of the proceedings of the local hearing through phone contact and coordination. If the legislator will be actively participating or providing leadership in the hearing then coordination with the legislator and his or her staff becomes more crucial to insure that there is no misunderstanding of time, content and purpose.

In general, the rules of common sense will tell you if other necessary tasks are being overlooked and how to accomplish them.

#### What Does A Public Hearing Accomplish and How To Follow Up

A successful public hearing accomplishes three major goals:

- 1) Access to the Government process for citizens - the hearing offers a forum for airing concerns and receiving coverage from the press as well as a response from legislative staff.
- 2) educational mechanism - the hearing can bring people out to hear about issues and their impact on the local level. In addition media coverage and available testimony can educate citizens to sensitive issues and learn of their impact.
- 3) building or maintaining hoped coalitions - the hearing can initiate communication and coalition building among groups with common goals as well as sustain those broad coalitions where they already exist. The hearing can serve as the for further coalition activity through additional public hearings, media work, lobbying, demonstrations, etc.

Follow-up to the public hearing should be the responsibility of the various committees and whatever coalitions existed prior to or evolved from the public hearing. All change particularly around issues like the Federal Budget and its impact on localities will come through long-term and sustained activities.

The groups involved should follow up the hearing after first filtering among themselves its effectiveness. Whatever is learned or continues through this activity should be used as the basis for ongoing press work, citizen involvement, letter-writing campaigns, and further public statements around critical issues in any shape or format that will effect change.

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## **MEDIA STRATEGY WORKSHOP**

### **Monitoring the Media: A Worksheet**

Now more than ever, a media access monopoly by those with political power is apparent. Clearly, this administration's economic package holds favors for the owners of the media so it's no surprise that the feasibility of the Reagan plan is being spotlighted by the press throughout the country.

Meanwhile, issues of concern to low income and working people go unrecorded, or worse, misrepresented. Misinformation that goes unchallenged becomes accepted. Wild charges appear in local newspapers and get repeated by ill-informed people who call into radio talk shows. These charges then get the stamp of truth when TV news programs and newspapers present information in ways that reflect existing public prejudices.

We can do something to turn the problem of media access around. Concerned people armed with good information can form "truth squads" to monitor media outlets and present a more accurate picture about people and programs targeted for drastic change.

For example, after identifying the TV news shows and radio call-in shows in your area, give everyone in your group a monitoring assignment. If you know you usually are driving home between 5:10 and 6:00 on and there is a radio call-in show on at that time, that can be your assignment. If you hear someone call in to denounce a program or issue based on misinformation, it becomes your job to call that show as soon as you get home to set the record straight. If it's an issue you aren't an expert on but you think the caller or announcer had bad information, it becomes your task to quickly alert another member of your truth squad who can respond knowledgeably.

Also, be sure and let producers of news shows know your concerns--they will know people are watching how they report issues and may improve the quality of their coverage.

Monitor newspaper coverage of your issues. Follow a story or issue for a few weeks documenting:

- \*Length of articles
- \*Placement in the paper (is it stuck back with obituaries?)
- \*Headline treatment
- \*Which side of an issue gets the lead in the article

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Next, it is your job to provide accurate information on the issue, either through a call or letter to the editor or routine news channels like press conferences if you think you can attract coverage.

The following are excerpts from the op-ed page of the September 4 Minneapolis Tribune:

"I'm writing to criticize a piece in the Aug. 30 Tribune on..."

"The impression left by the headline..."

"I would like to point out that I think you missed the point..."

"I am concerned that some of your readers might carry away misconceptions from the article on..."

Don't rule out a meeting with the editors of your local paper. Your group, while it may not have the message of the status quo, can be seen as the experts and link to people and programs undergoing massive change.

Other ways to stimulate balanced media coverage:

1. Request that a survey be taken (with your help) that demonstrates, for example, that very few food stamp recipients will be spared any benefit loss due to the first round of budget cuts.
2. Ask producers to use your people as guests on call-in shows. If you have to, use the documentation from your monitoring to convince the station that coverage is not balanced and that your group will present the "other side". Be sure and have well-armed members call in questions and support your issues.
3. Let editors and news producers know when you think they do a good job with your issues. They like compliments as well as anyone and can get to know you and your coalition's viewpoint through less critical channels.
4. Tie in with other groups when feasible. Editors that won't listen to one or two groups generally find space for the activities of broad coalitions representing many community organizations.

TACTICAL INVESTIGATIONS  
FOR PEOPLE'S STRUGGLES

By

BARRY GREEVER

# Chapter I: Not Research, But Political/ Economic Intelligence

**DEFINITION:** "A careful systematic study and investigation in some field of knowledge . . ." (Oxford's Concise, 1971)  
**DEFINITION:** "Investigation deals with all the things which should be known in advance of taking a course of action . . ." (Merriam, 1973)

The word "research" has become common in the movement. Variations of this term, such as "community analysis" and "power structure research" are also common. An example will illustrate these terms:

In Louisville, Kentucky, the Alderman appointed a "Mayor's Advisory Committee" to study proposed new housing codes for the city (one of which was proposed by the local Tenant's Union). "Research" exposed the following:

- 1) 9 of the 13 committee members owned property,
- 2) 2 of them lived in the city,
- 3) There was \$262,000 worth of rental income in the form of property owned by the committee,
- 4) Of this figure, \$47,184 represented property owned not by landlords on the committee,
- 5) A member of the housing committee owned rental property jointly with the particular alderman who appointed him to the committee.

This information was then used to alert the community, and as a pressure against the committee proposing a housing code which would cause:

It can easily be seen that the above example has more to do with the definition of "intelligence" than "research." The following definition of "intelligence," taken from a military training manual, makes the distinction clear. Intelligence is:

"The product resulting from the collection, evaluation, analysis, integration, and interpretation of all available information relevant to intelligence or potentially significant to planning."

Other research manuals, such as *Where It's At* and *How to Interrogate Through the Empire* have also alluded to this comparison. This distinction cannot be overemphasized. Research requires one mindset; gathering intelligence another. Research is usually thought of as abstracted from action. It is usually based on "knowledge for knowledge's sake."

Intelligence, on the other hand, is oriented toward action. It has little to do with "knowledge for the sake of knowledge." It should culminate in a successful course of action. It involves gathering broad pieces of information (Military Intelligence calls them "ELTs" — Essential Elements of Information)<sup>1</sup>, and working with them until some sort of pattern emerges; and then using this pattern tactically in struggle against class, racial, and sexual oppression. It would be uninteresting for a person to do "research" for a people's struggle with the attitude that he or she was "studying some field of knowledge." If you are working with a Tenant Union, you must have the attitude that you are investigating the landlord, not studying him for the sake of knowledge. If you are working with a grass roots union, you are investigating campaign, constitution of other candidates, gathering "ELTs" that may document illegal campaign practices of opponents, publishible by up to a year in prison and \$5,000 fine. You are therefore an investigator, not a researcher. This is the area that will be used throughout this book.

Another striking resemblance of our investigation to intelligence can be seen from the following quote:

"The collection of information is made difficult by the fact that the enemy makes every practicable effort to detect outside attempts. Accordingly, attempts, hypotheses and inferences are recorded. Openness and communication, thus causing answers to be inferred, false information is disseminated and tactical measures designed to deceive are adopted." (Military Intelligence Handbook)

Our investigation is made equally difficult by existing tactics of suppression, repression and political. Refusal to release information concerning nonholders; refusal to give out annual reports constitute resistance. Holding corporations are an example of "a tactical measure designed to deceive." The following, an actual experience, provides an even better example:

In investigating a really stingy for a woman's estate, it was discovered that the really stingy was joined by a conglomerate named "Johnson Enterprises" (not the school union). The conglomerate was made up of 17 companies — all owned by one family. As it often the case there was also a "Johnson Foundation" owned by the same family. Investigation of the Foundation was begun in hopes of discovering differences between the Foundation and the really stingy company. Investigations of their gross income was made but they refused to give more, while the Foundation itself had national master plans. Investigations of the assets of Johnson Enterprises and Johnsons disclosed that the family spent, for all practical purposes, its entire property from their really stingy to their Foundation, where it would sit like flies. In other words, when they had a penny left they would get out of, so think they had acquired at a low price something a few jumps in value. All they had to do was transfer it through legal manipulations to their Foundation, and they didn't have to pay taxes on it. Further, since the income of the Foundation was all family members, they could "vote" as one the way to certain family uses if they wished.

Such tactics are endless. Therefore remember:

## **Investigator's Rule #1: You can always get the information you need.**

One of the most helpful attitudes you can have is that the information you need is there and that you can get it. One of the most common problems with beginning investigators is their lack of tenacity. If they are not able to find the needed information on the first or second possible source, they jump to the conclusion that it can't be found. On the contrary, there are very few situations where the information needed can't be obtained — one way or another.

Another thing to remember:

## **Investigator's Rule #2: It's your right!!!**

In your investigations, you will be dealing with corporations, city, county, state and federal agencies. It is easy for inexperienced investigators to feel cowed and out of their element amidst the cold marble pillars of state capitals or the modern sterility of an executive's office. This can make investigators appear to be unsure of themselves and pleading for information. You can be sure this weakness will be used by the executive to control the interview. Don't be cocky or arrogant — but **BE AWARE OF YOURSELF**. The law is on your side. All of the material discussed in this book is public information. The public's right to see it is guaranteed by law. Don't let yourself be intimidated when you demand to see it — **IT'S YOUR RIGHT!**

### **SUMMARY**

You are investigating, looking for pieces of information which may seem insignificant when looked at separately. It is up to you to find a pattern in them which will help a people's struggle. Remember — you have the legal right to each type of information we will discuss.

Remember the two Investigator's Rules:

**YOU CAN ALWAYS GET THE INFORMATION YOU NEED.  
IT'S YOUR RIGHT!!**



## Chapter II: Person Or Persons Unknown

Community organizations are very familiar with people's need to talk about their oppressive situations and their oppressors. Organizations will spend hours listening to folks talk about a landlord who has threatened eviction, a coworker's insulting comments, or a steady stream of the neighborhood clinic. In fact it is the function of the organizer to help people move beyond this talking stage into organization and action. The logical place to learn investigative techniques, then, is with the name of the oppressor. Below is a checklist of questions which you should answer about the person you are investigating.

**BUT FIRST:** Remember, information is only useful if you can document it. Keep an accurate account of what information you've found and where you found it. It only takes one piece of wrong information to discredit your whole investigation and your ability to investigate. Documentation is everything!

Keep in mind also that people feel the oppression of power companies, transit companies, clinics, landlords and the like most strongly. Generally, however, these do not hold the most power over their community. Behind this level of power lie the bankers, insurance companies, corporate directors, etc., which for all practical purposes hold ultimate influence. It is part of the investigator's responsibility to get behind the "secondary" level to the "primary" level of power.

**WHAT ARE YOU TRYING TO DO WITH YOUR INVESTIGATION?** The purpose of your investigation is to find weaknesses that can be used to help in people's struggles. You want to find "natural weaknesses" and "contradictions" in whatever your struggle is focused around.

A "contradiction" means something which runs counter to something else. If you are involved in a worker's struggle and are investigating a plant, for example, it would be a contradiction for a company to say there was no money for health benefits when they were paying millions of dollars into building a new plant. A "natural weakness" means a mistake in a struggle. It would be a natural weakness for a landlord to violate the law which would allow you to sue him.

**EXAMPLE:** In Fort Worth, Indiana, a powerful communist Congressman, Earl Adams, ran in a Chinese in one Mexican-American vote before an election. Investigations uncovered, among other things, that a substantial contribution by Adams (his campaign ran T.C. Run, right wing demagogue, who owned the biggest camp for Mexican-American workers in the area. Further investigation uncovered (Sage) campaign practices, contributed by up to a year in prison and a \$1,500 fine. This information was put in a letter and distributed wherever Adams' name appeared. As a result, Adams lost the Chinese vote — and the election.

It was a "contradiction" for Adams to receive campaign money from T.C. Run, a man who was exploiting Chinese workers. It was also a "natural weakness" for the Republican Party to send out unpaid campaign literature, a clear violation of federal election laws, because it gives the people a weapon to use against them if they so desired.

### CHECKLIST FOR INVESTIGATING "PERSON OR PERSONS UNKNOWN"

- 1) Does he/she own land? If so, how much and what is it worth?
- 2) What about personal property or bankable assets?
- 3) Is he/she delinquent in his/her taxes?

Start your investigation at the county court house. Because people have lost contact of their governments, they generally are not aware of the wealth of public information which is stored there.

Start by looking through the city or county tax records. These will give you the answers to the questions above. How you can find:

- 1) How much property owned by a person.
- 2) If you have an address, parcel, find the owner of that property and check the other properties in the area.
- 3) The assessed value of the property.
- 4) History of improvements on the land, buildings, etc.
- 5) Delinquent taxes.

sometimes used as a cover to build property or stock, and to exert influence.

The "bible" of investigating corporate involvement is *Ward's Who's Who of Executives and Directors*. The second section lists alphabetically by name the largest corporation executives in America and all their board positions.

**EXAMPLE:** Because they were behind in their payments, Lela and Ed Temple, executives of the local meat's union, had their power turned off. He is partially blind and she is totally blind. One of the members of the Board of Directors of the Power Company in Potomac Creek, looking them up in the second section of Ward's, it is learned that he serves as director of a national corporation one of which is the American Printing House for the Blind.

Wife: Temple calls Mr. Smith to ask that he get their power turned back on. She also mentions to him that it seems to be a strange that so you had to drive in for helping the blind with contributions to be directed to coming off their right and left to winter. She also mentions that it might not do his image any good when the community finds out.

Within two hours the power was turned back on with no notice of money. The bill was paid later.

A third source of information on corporate involvement of individuals is the "Who's Who's" and the directories. There is a directory for almost every nation, region of the country and nationality. Here are just a few of them.

Who's Who in America

Who's Who in the East

Who's Who in the Midwest

Who's Who of American Judges

Who's Who in the World Jew

Who's Who in Commerce and Industry

Who's Who in Banking & Finance

Who's Who of American Women

Who's Who in American Politics

Who's Who in the South and Southwest

There are so many directories in existence that a directory has been published which lists nothing but directories. It is entitled *Kline's Guide to American Directories*, and is nothing but a "directory of directories." Investigators should become familiar with it.

After discovering the corporations that the person you are investigating is involved with, you will probably want to look at their records. All corporations are required to file "articles of incorporation" with the Secretary of State's office in your state capital building. This sets down some of the legal guidelines that the company must obey. Copies are often also kept in the county courthouses, although this varies from state to state and from county to county. From these papers you can find out who else was involved in starting the company with the person you are investigating; where stock information; the nature of the company; date and place of meetings of the Board of Directors; and any changes of a legal nature since the corporation was begun.

**YOU SHOULD NOT HAVE** a full picture of the individual you are investigating. Ask yourself "What does it mean and how can I make the most of it?" Is it a judge you have been investigating? Does he try any cases? If so, has he been delinquent in his cases at any time in the past? Try to find politically useful information, tactical weaknesses, or contradictions about the individual you are investigating.

**ABOUT THE LEGAL "PROFESSION":** Did you discover the names of any lawyers in your investigation? Look them up in a manual called *Blattenthal and Hubbell's Law Directory*. Here you can find a list of their corporate clients. If a lawyer has had a large corporate interest in the past, it sometimes indicates vested interest, that is, a personal stake in what the corporation does. The judge you investigate should be checked to find who their clients were when they practiced law because judges are able to continue practice while on the bench. If your judge is hearing a case concerning tenants, and he has represented real estate interests in the past, it is politically useful information to be published in the community. If he is likely to render an unfavorable decision, you might want to try to get him removed from the case. You can find the *Blattenthal and Hubbell Law Directory* in the public library.

**ABOUT CITY LAW LIBRARIES:** Another place to find this reference is in the city law library. Almost every city has one. One thing to remember about the law profession, though, is that they often try to keep the law out of the hands of the public. Two things are to be said about this. First, the law profession feels people are not capable of knowing the law; second, this has an economic basis, since a large part of many lawyer's business depends on their "clients'" ignorance of the law.

Because of this kind of way of documenting the above statements, many city law libraries do not allow the public to use them. The public here is the non-legal profession or those whose interests aren't dependent on the subject. This points out a real contradiction of the economic system under which we live, since the law libraries are built and kept up with your tax money. The law library for the City of Dayton, Ohio is a large, marble building with plush carpets but it you go in you are immediately confronted with the dark and with a receptionist who says in an uncertain tone that you have to leave.

The only possible way to get around this is to have a lawyer friend with a next of kin.

This information is usually in one set of books. Personal property is usually kept in a different set of books. This information on personal property varies from place to place. In Kentucky, information is usually maintained in a schedule or three main year and value. In Florida, however, and several other states for bank accounts, value of stocks and other assets.

Investigative men get full message from even the simplest information. While investigating personal property, for example, ask yourself what each piece of information on means particularly. Is that piece the make, model, year and value of one year's car seems unusual. It becomes important as part of a picture. If you are investigating a husband, is he the driver, a new black car, year or whether he drives a 1960 Chevrolet is probably useful information. It is important that you keep a record of the information and where you found it.

Q If he has some property, does he file on a money order?

A How much money does he file make from past property sales?

In another part of the courthouse you will find three more sets of records: the mortgage records, the records of incorporation and the death.

In investigating a land owner, it is important to get the deed's picture. Not just what they own, but what they own on; not just how much they own, but how much profit they received from property sold in the past.

You will find that information in the mortgage records. These records are in two parts, either two separate books or two halves of one book. The first section is called the mortgage index. This will give you information on the property with its preceding records to the landowner. It will tell how much he or she sold the land for and the terms of payment. Sample search will tell you how much he or she has received to, his date and how much is still to come in.

The second section will give you information on property your landlady has bought and the terms of his payment. Once more, sample search will tell you how much he or she has paid out and how much is still owed. This, combined with any other information you've got from personal property records and other information sources to be discussed later, will give a rather full picture of the worth and assets of the person under investigation.

In the same room are probably some books, called "Corporate Records." This will be discussed later, but keep in mind that you will want to look at them while you are in the room.

Q Has he/she ever had anyone arrested? Spent anyone?

A Has he/she ever been arrested, been tried, or had a judgment against him/her?

Q If he/she owns property, does he/she own?

The answers to these questions are public information. To find them you must go to the Clerk of each court. Court clerk systems vary from state to state, the structure can't be described here. As you go into the courthouse you will find a directory on the wall. There you will find the different courts and the room numbers of these clerks. Each clerk's office will have all arrests, suits and legal judgments issued by both the person serving the process and the person against whom the action is directed. Usually you can get the information by giving the date, the name of the person you are investigating. The clerk will either look the information up for you, or point you to the books which have the information, broken down by year. If you find that the person you are investigating has been involved in any legal action, carefully note the docket number for any future action, the nature of the action, the disposition, and the lawyers involved on either side.

If you find a landlady you are investigating, you want to know whether he/she has missed anyone and if so, why. In states that have a "Fugitive" or "Fugitive System" it is the I.P.'s who will prepare warrants. The type of money is usually broken down into districts with one I.P. for each district. Records of warrants will be in the office of the clerk, for each district. It is easy to get the number of warrants brought by the landlady and the names of those being served. It is somewhat difficult to get the addresses of those being served, although this is not public information. If you are successful in getting names and addresses, you may wish to be prepared for further information on the landlady, and for possible organizing into a money order.

Q Does he or she own any corporate stock? Who does it and what? Where what problems with the corporation appear? Name and Where are the Board of Directors' next year?

If you live in a medium size city, there is probably a city directory published for it. Begin your investigation of corporate connections there. It is indexed by names of individuals, by addresses, and by phone numbers. Look up the person you are investigating in the first section. Under that name it will give you the name of the spouse and the occupation of the "head of the household." This will show whether he or she is an officer, director or president or whether he is a corporation. It will also list the names of other family members living at home. Names of relatives are reported because they are

doing research for them. Unlucky of course you want to not the city saying your tax money is funding the library and you are being discriminated against!

#### **SUMMARY — CHECKLIST FOR INVESTIGATING "PERSON OR PERSONS UNKNOWN"**

- 1) Does he/she own land? If so, how much and what is it worth?
- 2) What about personal property and intangible assets?
- 3) Is he/she delinquent in his/her taxes?
- 4) If he/she owns property, does he/she owe money on it?
- 5) How much money does he/she make from past property sales?
- 6) Has he/she ever had anyone arrested, sued or had legal judgments against him/her?
- 7) If he/she owns property, does he/she rent?
- 8) Does he/she own or direct any corporations? Who else is involved? Under what guidelines must the corporation operate? When and Where are the Board of Directors' meetings?

## **Chapter III: Investigating Owners Of Corporations**

**INTRODUCTION:** People who "own" large corporations are called "stockholders." Stockholders are people who "buy into" the company. In other words, they pay so much money into a corporation and in return they are given certificates of ownership which are called stock. If you owned stock, each year you would be paid a part of that company's profits.

There are different kinds of stock. Some stock, called *common stock*, lets the owner vote on corporation business. Other stock, called *preferred stock*, does not allow the owner to vote and costs more, but company profits are paid to preferred stock owners first. In other words, if there is only a small amount of profits to go to the stockholders, those with preferred stock are paid first and others are then paid if there is any money to pay them with. The Board of Directors of the company decides how much money is to be paid to the stockholders. If a corporation isn't able to pay money to the stockholders, it is usually considered to be in financial trouble and a "poor investment risk." Money paid to the stockholders is called *dividends*.

If you owned stock in a corporation, its value would change from day to day. Its value would sometimes be more and sometimes less than you paid for it. People can make money by buying stock when its value is low and selling it when its value is high.

**WHO CONTROLS A CORPORATION:** There is a lot of discussion on whether stockholders control a company or whether the officers and other directors actually control it, or whether control is in the hands of financial interests such as banks. From the standpoint of investigating a corporation, it is best to assume that all of these help influence company policies. The discussion of where power actually lies in a corporation is theoretical and, though interesting, is of little practical use to the investigator.

**WHAT CORPORATIONS WANT YOU TO BELIEVE:** Corporations and their representatives will try to tell you that their company is owned by "thousands of small stockholders." This is a "financial measure designed to deceive" which was discussed in the first chapter and which the investigator must dispose of for purposes as to further the myth that "anyone can make it in this country if they really want to." Specifically, it camouflages the large financial interests which back corporations. The real situation is usually opposite from what they want you to believe, a few people own large blocks of stock, either directly or through other corporations, while thousands of people own small amounts of stock.

**EXAMPLE:** The chart given below shows the interests of stock owned by five of the officers and directors of Dow Chemical Company. It also shows the value of their stock based on the market price of 90 1/2 a share, and the amount of dividends they received, based on last year's payment of \$1 a share. The statement of stocks held includes stock held directly, partly with family members or trust, with retirement funds.

Name	Shares	Value	Dividends
H. H. Dow	460,000	\$42,000,000	\$1,120,000
W. H. Whiting	42,000	\$3,800,000	1,000,000
C. A. Brown	20,000	1,800,000	500,000
W. B. Quinn	40,000	3,600,000	1,000,000
E. S. Bore	10,000	900,000	250,000
TOTAL	572,000	\$52,200,000	\$2,870,000

In other words, these five men owned almost a million shares of stock worth almost ninety million dollars, on which they collected over two million dollars profits in one year. It should be obvious that the influence of these men over the policies of Dow Chemical is critical to any group which is trying to change these policies.

The investigator trying to find out who are the major stockholders in a corporation must be careful of the "financial measures designed to deceive." For example, in the example above, W. H. Whiting actually owns exactly 9 1/2% shares. But another 204,825 shares are "owned" by other members of his family, 50,887 shares are in a trust fund, and 415 are in a retirement plan. Obviously it is not enough to investigate only stock held in an individual's name, stock which is controlled by an individual — stock held in spouse's name, in trust or retirement plans, or held in the name of another corporation or individual must be taken into account.

**STARTING THE INVESTIGATION:** The investigator should keep in mind that corporations consider their stockholders top secret information. Therefore, it is usually the hardest information to get. The investigator will find the sources listed below helpful:

1. **Company's Corporation:** File with the Securities and Exchange Commission.
2. **Company Summary:** published monthly by the Securities and Exchange Commission.
3. **20 Largest Stockholders of America:** A Monthly Bulletin of the Federal Reserve System. For our file it summarizes the names of the 20 largest stockholders of the Corporation in Banking and Commerce. See Chapter 1, 1964. (Referred to as the *20 Largest Stockholders of America*.)
4. **Chairman's Study:** Published by either Commission or Small Business of the Small Business Administration.

Stock transactions are regulated by an agency of the U. S. Government called the Securities and Exchange Commission (SEC). Major corporations listed on stock exchanges are required to file reports with this commission. To find out if the corporation you are investigating is required to file reports, you should look in the first source listed above. This Company is indexed both alphabetically and by type of corporation. If you have the name of the corporation under investigation, you need to look in the first source. If it is listed, then you can find every report filed by officers and directors of the company plus all stockholders owning over 10% of the stock by using the second source, the *20 Largest Stockholders of America*. This is a monthly publication listing all stock transactions of major stockholders each month. Each corporation is listed alphabetically. Under the name of the corporation is listed who made the transaction, the date of the transaction, the amount of stock held by the individual after the transaction, whether the stock is owned in the individual's own name or indirectly through companies and other individuals such as whether the report is corroboratory to previous reports, whether it was filed late, etc.

To find a rather complete listing of stockholders you need to go back through several years of history. Since each name gives the stock information, you may need to copy down a name once if you start with the latest year's. Any other time that person's name came up it would be outdated information. It is useful to write down all names and all other data, however, if you are trying to evaluate the corporation's economic status. It is useful to know, for example, how fast and how much stock is being bought and sold. If no stock is being sold, it may mean either that the corporation is so economically sound that it does not want to sell its stock, or that it is so sound economically that no one wants to buy.

**INVESTIGATING STOCKHOLDERS OF BANKS:** Source #3, *20 Largest Stockholders of America*, lists the 20 largest stockholders of all the banks in the country which are members of the Fed-

and Reserve System. It is a set of five volumes broken down by states. From this you can find who owns stocks in the banks in your community, how much stock they own, what percentage of the total assets they own, their address, their rank from 1 to 25, whether they are officers, directors, both, or "other." It will also tell you the total number of shares outstanding and the total assets of the bank. The listing digest should keep in mind that the date of this publication is 1964 and some of the information may be outdated. It is still useful, however, since bank stock is usually considered an extremely good investment with the backing of the Board of Directors and of stockholders.

The other two sources listed are self-explanatory. Number 4 will give you a list of stocks that banks in your community own in other corporations, and Number 5 will give you the stockholders of power companies in your area.

**HOW TO FIND THE VALUE OF STOCK:** The above manuals will give you the number of shares held by individuals. You can find the value of this stock by looking in the local newspaper. Look in both the New York *Times* and the *American Stock Exchange* listings. You can find the value of the corporation's stock under the column marked "High." This is the high price the stock has sold for that day. For example, the figure "97 1/2" means that the stock has a value of \$97.50 a share. If the corporation isn't listed in the newspaper you can get the same figure by calling a local stockbroker such as Martin Lynch, Pierce, et al. You don't have to hesitate to get this information from them. They are also very helpful in giving other information by free — such as what dividends were paid in the past few years. Such information can also be found in Poor's stock reports found in your local library.

**BUT WHAT IF THEY AREN'T LISTED?** If the corporation you are investigating isn't listed in any of the above, there is another possibility. You could try to find a friendly stockholder of the corporation to get the information for you. Sometimes this works. If this fails you will have to assume that the company's Board of Directors also represents a large block of stock. This is usually the case.

Investigating stockholders of a corporation is important in trying to discover relationships between corporations and other corporations, or between individuals and several corporations. The links between a construction company and the realty interests which provide the property to build on, for example, may be through stockholders who own stock in both the construction company and the realty interests. Occasionally one finds humorous examples of stock ownership. Stock in Cleveland Trust, for example, is owned by a bakery. It loses its humor somewhat, however, when you realize the bakery has a route in what transportation is available to poor and working people.

Finally, as has been mentioned before, it is important to keep accurate records of what information you found, and where you found it in case you are asked for proof of your statements.

## Chapter IV: And Now A Word From Our Sponsor . . .

By far the easiest type of media to investigate is radio and television. On May 1, 1965, a law went into effect requiring stations to keep files that the public could inspect. You can go into any radio or television station and demand to see them. There are only three things to keep in mind. First, you are able to see them only during regular business hours 9 to 5 Monday through Friday. Second, the files must be kept by the station in the local community but not necessarily at the station. They could be kept in a lawyer's office or at the courthouse, for example. Third, the station is allowed to require you to sign your name and address, but nothing else.

**WHAT THE FILES CONTAIN:** Under Federal Regulation Title 47, Part 1.536, the files must have certain information. It must be the number of this law — 1.536 — the radio or television station personnel have thinking that you know the law better than they do. This information includes:

11 **Applications:** Applications for new stations, permits for new stations, modifications for major changes in the station, extension of time for completion of construction of new stations, for renewal of licenses or transfer of station, it does not have to keep on file applications for new minor changes. In most cases, on the applications part of permits, extensions, and permits positions about these applications. The filing must also include city Reports, Commission Reports, Comments, and Comments of the agency, FCC is the government agency that regulates all radio and television.

12 **Ownership Reports:** All ownership reports reports for each ownership and control of the station, along with all applications, permits and other documents, and all correspondence relating to ownership reports. This applies only to reports filed after May 12, 1962 and any other reports referred to in these reports.

13 **Contracts and other documents:** Files should include copies of correspondence, bylaws, stock option agreements, group reports, business mail kept in the file all requests for printed data for a period of two years.

**THE INDUSTRY'S REACTION:** Radio and television interests have fought this law in every way possible as it is up for review under the following quote:

"It is a very heavy load that I expect is too heavy for the Commission's report and order in decision 14464, released April 1964, releasing limited inspection. . . . Particularly, the rule is not apply retroactively."

This quote was taken from a letter to WJMN radio in Louisville, Kentucky from their lawyers in Washington, D.C. This station is owned by Garret Kneass of Lexington, Kentucky. The investigators from WJMN revealed that Garret Kneass also held the following positions:

Director, Liberty Bell Bank  
President, Kentucky General Life  
In, Finance Council, Finance Trusts  
President, Kentucky Finance  
President, Community Financial Service  
President, Lexington Insurance  
Owner, Lexington Broadcasting  
Director, Sports Journal Bank  
Director, Life Bank, Bank of Kentucky,  
Kentucky  
Director, Commercial Bank of  
Lexington, Kentucky  
Director, Finance Bank, Bank of  
Philadelphia, Pa.  
Director, Bank of Kentucky  
Director, People's Commercial Bank  
Director, Life Bank, Bank of Lake Worth,  
Florida

Director, Clark County Bank, Bank  
President, Commonwealth Investment  
Chairman of the Board, Delta Bank  
Director, Federal Reserve Bank Investment  
Agency  
Director, Lexington Bank  
Director, Bank Bank  
Director, Bank Bank  
Director, Bank Bank  
Director, Bank Bank  
President, Bank Bank  
Trustee, Bank Bank  
President, Bank Bank  
Owner, WJMN  
Owner, WJMN  
President, Bank Bank

The lawyers for WJMN-TV/Radio not only felt a "heavy heart" but urged that:

"Whereas there is any doubt as to what should be included in the file it is preferable to include in . . . Bank to make certain compliance with the law and especially to discharge the public by the supporting amount of material which will not be contained in any bank file." (Emphasis added.)

It is interesting to note that the above quote would seem to be covered in an FCC News Report #16577 which states:

"Believe that it is more than enough to provide an effective disclosure of the public from inspection to public file will be considered as having been as a better means of material (provided as in the public domain) which would be covered by removal of the source."

This could certainly be a powerful point to be used against POLAS and its owner, Mr. Barry Bingham. Their compliance with their own lawyers' advice could jeopardize removal of their license. Bingham also owns the Louisville Courier Journal, Standard-Grocery Company; and is a "heavy" contributor to certain "liberal" organizations such as the American Friends Service Committee (although he refused to contribute to the local branch) amount. He is listed in Richard Dombroff's book *Who Rules America?* as a member of the ruling class and as heir to a Standard Oil fortune. He also "serves" on the board of the Rockefeller Foundation.

The lawyers for WCPO-TV in Cincinnati, Ohio "waged" over the law:

"The answer is that any network contract filed after May 1, 1964 must be put in the public file. There is no regulation that your financial report is put in the file. Finally, this is about the last piece of confidential information left for you or who deal with the Commission."

Unfortunately for the lawyers and their clients at WCPO-TV, these financial reports must now also be included in the public file. WCPO, by the way, is owned by Scripps-Howard, which owns newspapers and television stations around the country.

Scraps have tried various ways to block the public from getting information. One way, discussed earlier, is to dump everything in the file. Another way is to file everything separately so that, unless you know what to ask for, you won't know what you can see. WCPO was urged to take this route by their lawyers:

"If these files are maintained separately it will help to insure maximum control over inspection of your files. If 34-16

everything went dead under our cover, then started coming to life as the "file" would be in a position to see the whole picture and then, I would think in confidence.

Another "evasive tactic" used is to intimidate whoever is asking for the files. For example, they may demand to know what organization you are with. You should know that the only information you're required to give is your name and address. You will be pressured to give as much information about yourself as possible. In fact, you should as little as possible. Some stations will ask you to fill out a mimeographed form which has space for "name," "address," "organization represented," "file requested," and "purpose of requesting file." You should only fill out your name and address, since the FCC has specifically said that this is all you need to do. Later the real work. Keep in mind the attitudes discussed in the first chapter. The manager will try to control the situation whenever possible. Don't let this happen! Be sure of yourself. Be calm and remain — not rocky.

Often when you enter a station you will ask the receptionist — without exception a female — for the public files. She isn't there because of what she knows about the management of the station, but primarily for her looks. There is no reason to be rude when she says she doesn't think the station has any files — it's a waste of your time. Simply ask to see "someone in management." The manager, almost certain to be a male, will ask "which file do you want to see?" Obviously if you don't know their system of filing, and you haven't been there before, you won't know what file you want to see. If you are looking for specific information (ownership reports, relicensing applications) you can tell the manager that. It is much better, however, to look the manager straight in the face and, without hesitation, advise that you want to see all of them. This makes the manager do the work and allows you to "go fishing" in the files.

Public files are sometimes scary. In Newport, Kentucky, a news reporter for rumors of Halla involvement, the community survey part of the public files at one station showed the most pressing community problems to be "legislating procedures," "yanking Oswald Juries off the backs of the community" and "legislating gambling."

## SUMMARY

You should know what the station is required to keep in the files. You should be familiar with the FCC regulations which allow you to look at the public files at one station showed the most pressing community problems to be "legislating procedures," "yanking Oswald Juries off the backs of the community" and "legislating gambling."

# Chapter V: "I Am Your Representative, Make No Mistake About That!"

"There that goes the fiddler calls the tune." This Appalachian proverb applies especially to elections and elected officials within the two-party system, as seen from the following:

"Large campaign contributions by daily farmers to President Nixon's election campaign helped influence the administration to relax 1971 Federal milk price supports. . . . The money was tracked through Marion D. House (law firm for a long-time Nixon confidant) and sold. Officials of the White House's Chiefman note that campaign contributions along with large sums from other dairy groups were instrumental in getting the administration to relax its earlier decision not to raise supports on milk." (Midwest Journal, 8/28/72)

Violations in the attempted "bripping" of the Democratic headquarters were so apparent that even the General Accounting Office made a public report:

"Several of the 'apparent violations' of the 1971 Federal Election Campaign Act listed in the General Accounting Office report concerned almost a 100,000 contribution to Nixon's campaign which wound up in the bank account of Donald L. Barker, one of those named in the Democratic file. . . ." (Midwest Constitution, 8/28/72)

3A-11



The L.T.A.T. "Lead" provides another handy example, of course. Since officials do not like their names to be linked with contributions, knowledge of who these contributors are and their official links with financial, economic, social and religious interests can be a powerful political weapon. Before an election this weapon is many times more powerful. The example of the incumbent congressman discussed on page six shows how this type of information can be used in a people's struggle.

## HOW DO I DISCOVER LINKS OF MY ELECTED OFFICIALS TO SPECIAL INTERESTS?

*Who finances their campaigns?*

• Consultations (search) of XIS or more either directly or through a political researcher GO TO YOUR LOCAL BUREAU OF ELECTIONS OR VOTER REGISTRATION BUREAU AND ASK TO SEE THE FILES FOR THE LAST ELECTION OR PREVIOUS ELECTIONS.

• Contributions (national) of \$100 or more: For Senators — Write OFFICE OF PUBLIC RECORDS, ST-1 CAPITOL BLDG. WASHINGTON, D.C. 20540. For Representatives — Write OFFICE OF RECORDS AND REGISTRATION, U.S. HOUSE OF REPRESENTATIVES, LONGWORTH BLDG. WASHINGTON, D.C. 20543. (includes photocopying charges — approx. \$10.00 for each candidate.) The same information is available with your Secretary of State in the State Capital.

*What interests do these contributors represent?*

While the federal law requires the contributor's business address and occupation, the above records will often give only names and home addresses. For corporate contributions . . .

• The CITY DIRECTORY will usually tell you what the contributor does for a living (your local library will have one).

• POOR'S REGISTRY OF EXECUTIVES & DIRECTORS will tell you if the contributor is "big business" and list their corporate involvements. (Largely and occasionally their offices are listed in Martindale Hubbell's Law Directory — located in library).

• NEWSPAPER CLIPPING FILES in the library of your local newspaper will often give more information on the contributor. Ask for any clippings the newspaper has about the contributor.

*What if the contributor is a lobbyist?*

• The CONGRESSIONAL DIRECTORY lists lobbying four times a year and tells who they lobby for. Your library will have it. Check for names of contributors — especially any with Washington, D.C. area addresses or any out-of-town interests.

## WHAT INTERESTS DO MY ELECTED OFFICIALS VOTE FOR?

*(Linking legislation to special interests.)*

• Bills that your elected officials have introduced, voted for, or made speeches about can be found in the CONGRESSIONAL QUARTERLY, in the CONGRESSIONAL RECORD INDEX OR by WRITING TO THEIR OFFICE. Ask who the bills benefit and compare it with the contributor interest.

## WHAT IF I NEED HELP UNDERSTANDING WHAT THE BILLS ARE ABOUT?

*(After all, they're written for lawyers.)*

• On bills involving taxes, write to TAX ANALYSTS AND ADVOCATES, 1121 15th ST, N.W., WASHINGTON, D.C. 20005, giving the number of the bill, sponsor and date it was introduced. They will tell you about it and who it benefits.

• On other bills, try to enlist the help of lawyer or other knowledgeable friend.

## HOW DO I FIND OUT ABOUT MY ELECTED OFFICIALS' VESTED INTERESTS?

*(How do I know when they're looking out for themselves?)*

*Are they involved in corporate broadcasting interests?*

• Go to your local T.V. and radio stations. Ask to see the public ownership files. Look for names of officials.

*Are they involved in Real Estate?*

• The PROPERTY TAX RECORDS of your county will list all property owned by your elected officials. THE MORTGAGE RECORDS will tell you how much money is coming in from own property sales and how much money is owed on property bought by them.

• **DELINQUENT TAX RECORDS** will tell you about any delinquent taxes on property owned by your officials.

Call your county courthouse and ask what office these records are located in.

*What organizations are my elected officials involved in?*

• The U.S. House of Representatives **COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT**, ROOM 1263, RAYBURN BLDG., list all income of more than \$1,000. Corporate investments, social funds, etc. It will often show up on the **STATEMENT OF CERTAIN FINANCIAL INTERESTS AND ASSOCIATIONS**.

• The counterpart in the U.S. Senate is the **OFFICE OF PUBLIC RECORDS**, ST-J. CAPITOL BLDG., WASHINGTON, D.C. 20510. All speaking fees of 1000 or more per year are listed here.

• On the **CITY DIRECTORY**, **POOR'S**, and **NEWSPAPER CLIPPING FILES**.

*Are they involved in non-profit foundations?*

• Look in the index of the **FOUNDATION DIRECTORY** located in your library. Then turn to the appropriate page listed after your official's name.

## **HOW CAN I FIND OUT GENERAL INFORMATION ON ELECTED OFFICIALS?**

• **CONGRESSIONAL PROFILES** written by the Ralph Hader Congress Project give information on each Senator and Representative. Can be purchased at bookstores or from Crossman Publisher, Box 1981, Washington, D.C. 20006. (Be sure to list the officials you want to study.) They cost \$1 each.

• **ALPHABAC OF AMERICAN POLITICS** give information on district, key votes, and biographical sketch. Can be found in your local library or purchased from Gambit, Inc., 33 Beacon St., Boston, Mass. 02108.

• **WHO'S WHO IN AMERICAN POLITICS** gives more extensive biographical information on elected officials. Can be found in your local library.

• **PRESIDENTIAL PAPERS** will show meetings, speeches, and presidential documents which involved your elected officials. Look in the index. These can sometimes be found in your public library.

## **HOW CAN I FIND IF MY ELECTED OFFICIALS HAVE EVER BEEN ARRESTED OR SUED ... OR IF THEY'VE EVER HAD ANYONE ELSE SUED OR ARRESTED?**

• Go to the Clerk of the various courts in your country or city courthouse (they will be listed on the "Directory" as you enter the building). Look in both the criminal and civil indexes for the name of your officials last name first. Since there is usually a separate index for each year, you will want to go through indexes for the past several years.

Wrapping it up:

This manual should give theoretical understanding of basic "tactical investigations." Each resource listed should be gone through carefully until you are very familiar with it. Visit the places discussed, so you will build up confidence in what you are doing. Everything talked about in this manual is public information and cannot be legally denied you.

Until you become familiar with the sources and investigative techniques listed, you can expect to run into minor problems. Persistence and a little ingenuity will see you through them easily.

## **TACTICAL INFORMATION SOURCES**

### **INVESTIGATION ON THE LOCAL LEVEL:**

City Directory:

- 1) If you have a name, you can find the address, family, occupation, etc.
- 2) If you have an address, you can find who lived there at the time of publication.
- 3) If you have a telephone number, you can locate the person who had that number at the time of publication.

<b>Tax Records:</b> Located in court house:	1) shows how much property is owned by a person. 2) If you have an address, you can find the owner of that property. 3) the assessed value of the property. 4) the value of improvement on the land (buildings, etc.) 5) delinquent taxes. Local personal property is the personal property tax records.
<b>Court Records:</b>	1) If you have a name, you can find if ever arrested, sued or had judgments brought against him/her. 2) you can find if the person has ever had anyone arrested, sued, etc. Go to the clerk of each court.
<b>Mortgage Records, Deeds:</b>	How much money is owed on property and how much income from property sold in the past. (Court house.) Deeds are usually in the same room.
<b>Bureau of Elections:</b>	Information on campaign contributions and expenses.
<b>Minutes of Meetings:</b>	Minutes of all city agencies such as the City Council, Board of Education, etc. are public information.
<b>Better Business Bureau:</b>	Will tell you if a complaint has been brought against a corporation. Use a cover — that you're thinking of working there.
<b>Television/Radio:</b>	Required to keep public files showing stock ownership, other broadcasting interests, requests for political time, etc.
<b>Newspapers:</b>	try to use clipping files.

## REGIONAL AND NATIONAL INVESTIGATION

### Information on People:

*Who's Who in American Directories, Who's Who in America, Who's Who of American Women, Who's Who in World News, Who's Who in the East, Midwest, South & Southwest, and West, Who's Who of American Judges, Who's Who in Politics, Who's Who in Banking & Finance, Who's Who in Commerce & Industry.*

**NOTE: THERE IS A DIRECTORY FOR ALMOST EVERY CATEGORY:** Vocations, Regions, Nationalities, etc.

### Information on Corporations:

**Law Firms:** *Marshfield-Nebel Law Directory* gives information on all lawyers and most law firms in the country. Gives biographical data on lawyers and a partial listing of corporate clients. It will often give information on the "work" of a firm or lawyer financially and a rating on legal ability.

### Industrial Manuals:

*Moody's Industrial Manual, Moody's Unlisted Manual, Moody's Manual of Municipalities, Moody's Manual of Banking & Finance, Moody's Transportation Manual, Dunn & Bradstreet's Million Dollar Directory, Dunn & Bradstreet's Middle Market Directory.* D & B lists corporations with over a million dollars of sales/year in the Million Dollar Directory; under a million/year are in the Middle Market Directory.

### Ownership of Corporations:

1) To find stockholders, first look up the corporation in the *Directory of Corporations Filing with the S.E.C.* If the corporation is listed you can get a partial listing of stockholders.

2) Look up the corporation in the monthly publication of the S.E.C., *Official Summary*. This will list all stock transactions made that month. Will give information on who bought or sold, total amount of stock owned after the transaction. To get a full picture, you should go through several years of the magazine.

For listing of stockholders in banks, look in *Twenty Largest Stockholders of Bank in Member Banks of the Federal Reserve System*, put out by the Federal Reserve Committee of the U.S. Congress, 1964. Check your local city or university library.